



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]

DECISION

FOO/146662

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**PRELIMINARY RECITALS**

Pursuant to a petition filed January 15, 2013, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to FoodShare benefits (FS), a hearing was held on February 12, 2013, at Milwaukee, Wisconsin.

The issue for determination is whether the agency correctly determined petitioner's FS for December 2012.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street  
Madison, Wisconsin 53703

By: Katherine May  
Milwaukee Enrollment Services  
1220 W Vliet St  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Kelly Cochrane  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County and a recipient of FS.
2. Petitioner received \$33 in FS for December 2012.

## **DISCUSSION**

In determining the amount of FS to be issued each month, the county must budget all income of the FS household, including all earned and unearned income. 7 C.F.R. §273.9(b). From the gross household income, the following permissible deductions as discussed in the *FoodShare Handbook*, §4.6.1 are allowed: a standard deduction, an earned income deduction, a medical expenses deduction, a child support payment deduction, a dependent care expense deduction, and a shelter expense deduction. Some FS groups are not allowed a deduction for some expenses and some expenses are not always deducted in full. The *FS Handbook* can be viewed online at <http://www.emhandbooks.wi.gov/fsh/>.

The question in this case is whether petitioner reported the decrease in her unearned income to affect her December FS. According to FS policy, any changes that cause an increase in the FS benefit including decreases in income, person additions, increases in expenses, etc., will be effective the first of the month following the report month. *FS Handbook*, §6.1.3.3; 7 CFR 273.12(c)(1). Thus if she reported the change in November, it should affect her FS for December. Petitioner's testimony was that she reported the ending of her unemployment benefits to the agency sometime at the end of November. However, there is no corroborating evidence of this; the agency's Case Comments show her contact regarding the ending of the unemployment occurred on December 10, 2012. Exhibit 2. This would affect January's benefits, and it did. However, having no evidence to support the December increase, I must find the agency acted correctly here. I remind petitioner that if she reports her changes online at <https://access.wisconsin.gov/access/> she would get a tracking number that would support any change reporting with a date. She can also take written notices of changes to the agency where it could be date-stamped as received by the agency to also support any change reporting with a date.

## **CONCLUSIONS OF LAW**

The agency correctly determined petitioner's FS for December 2012.

**THEREFORE, it is**

**ORDERED**

The petition for review herein is dismissed.

## **REQUEST FOR A REHEARING**

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

**APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

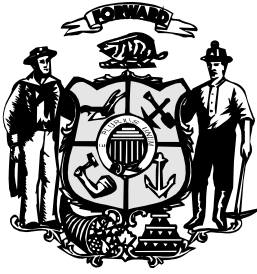
For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 18th day of February, 2013

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\sKelly Cochrane  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on February 18, 2013.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability